



**US Army Corps
Of Engineers**
Omaha District

PUBLIC NOTICE

Application Number: See Below
Applicant: See Below
Waterway: Cedar River
Issue Date: August 18, 2003
Expiration Date: September 8, 2003

21-DAY NOTICE

Reply To:
Kearney Regulatory Office
1430 Central Avenue Kearney, NE 68847-6856
(308) 234-1403

JOINT PUBLIC NOTICE: This public notice is issued jointly by the US Army Corps of Engineers, Omaha District, and the Nebraska Department of Environmental Quality (NDEQ). The NDEQ, PO Box 98922, Lincoln, Nebraska 68509-8922, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto. For the purposes of NDEQ, this public notice will expire 30 days from the above issue date.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

APPLICATION NUMBERS, APPLICANTS and PROJECT LOCATIONS:

03-10924	Kurt Richardson	PO Box 300 Fullerton, NE 68638	wooden jetties
03-10977	Mary Berney	PO Box 146 Spalding, NE 68665	rock weir, wooden jetties
03-10978	LaVerne Buckles	Route 1 Box 29 Ericson, NE 68637	wooden jetties
03-10979	Charles Channer	Route 1 Box 35 St. Edward, NE 68660	wooden jetties
03-10980	William Channer	Route 2 Box 123 Cedar Rapids, NE 68627	wooden jetties
03-10981	Daniel Diessner	Route 1 Primrose, NE 68655	rock vanes
03-10982	William Diessner	PO Box 84 Spalding, NE 68665	bendway weirs
03-10983	Greeley County	Greeley Co. Courthouse Greeley, NE 68842	bendway weirs
03-10984	Tim Kayton	PO Box 308 Albion, NE 68620	wooden jetties
03-10986	Tom Schuele	1697 385 th Street Cedar Rapids, NE 68627	wooden jetties
03-11003	Calvin Gloor	PO Box 815 Fullerton, NE 68638	tree jetties
03-11095	Ted Tomlinson	530 Pheasant Drive Grand Island, NE 68801	tree jetties

PROJECT DESCRIPTION: The above nine applicants are participating in the Cedar River Stabilization Project sponsored by the Loup Basin RC&D. Each project will be described individually, however the design of the structures will be the same and will be displayed at the end of this notice.

03-10924 Kurt Richardson E ½ 32 and W ½ 33-17N-6W, Nance County: The applicant is proposing to stabilize two sites by installing up to eight wooden jetties beginning at the upstream limit of the eroded area. Each structure will have a length of 15 feet and a height of approximately 10-15 feet. The structures will be placed approximately 100 feet apart. The structures will be placed at a 30° angle downstream, not to extend more than 1/3 of the channel cross section. Each structure will be constructed of three wooden poles driven into the stream bottom with one wooden pole attached as a cross member. Cedar trees will be attached to the cross member with the top of the tree pointing downstream. Enough trees will be used to fill the space between the upright poles. A minimum 35-foot buffer area of grasses and shrubs will be installed along the protected stream bank.

03-10977 Mary Berney NW ¼ 1-19N-9W, Greeley County: The applicant is proposing to install a 200-foot rock weir, which will join the stream bank to an island, alleviating the back cutting of the stream bank. The rock weir will be constructed of broken concrete with fabric installed under the rock. Just downstream of this site, the applicant is proposing to install up to six wooden jetties beginning at the upstream limit of the eroded area. Each structure will have a length of 15 feet and a height of approximately 10-15 feet. The structures will be placed approximately 85 feet apart. The description of each structure is the same as above. She is also proposing a 35-foot buffer area.

03-10973 LaVerne Buckles NW ¼ 3-20N-11W, Greeley County: The applicant is proposing to install up to six wooden jetties beginning at the upstream limit of the eroded area. The structures will be placed 85 feet apart. The description of each structure is the same as above. He is also proposing a 35-foot buffer area.

03-10979 Charles Channer NW ¼ 35-18N-7W, Nance County: The applicant is proposing to install up to 19 wooden jetties beginning at the upstream limit of the eroded area. The structures will be placed 75 feet apart. The description of each structure is the same as above. He is also proposing a 35-foot buffer area.

03-10980 William Channer SW ¼ 26-18N-7W, Boone County: The applicant is proposing to install up to 18 wooden jetties beginning at the upstream limit of the eroded area. The structures will be placed 85 feet apart. The description of each structure is the same as above. He is also proposing a 35-foot buffer area.

03-10981 Daniel Diessner SE ¼ 1-19N-9W, Greeley County: The applicant is proposing to construct up to seven rock vanes beginning at the upstream limit of the eroded area. The vanes will be spaced approximately 50 feet apart. The vanes will not extend over 1/3 of the channel cross-section. The rock vanes will be angled from the stream bank upstream between 20°-30°. The top of the vane will have a slope between 4°-7°. A minimum 35-foot buffer area of grasses and shrubs will be installed along the protected stream bank.

03-10982 William Diessner SE ¼ 19-20N-9W, Greeley County: The applicant is proposing to construct up to seven bendway weirs. The weirs will be installed at approximately a 30° angle upstream, not to extend more than 1/3 of the channel cross-section. A minimum 35-foot buffer area of grasses and shrubs will be installed along the protected stream bank.

03-10983 Greeley County Highway Department SE ¼ 19-20N-9W, Greeley County: The applicant is proposing to construct up to six bendway weirs on the north meander of the river, immediately upstream of the county bridge. The structures will be constructed of broken concrete. The weirs will be installed at approximately a 30° angle upstream, not

to extend more than 1/3 of the channel cross-section. A minimum 35-foot buffer area of grasses and shrubs will be installed along the protected stream bank.

03-10984 Tim Kayton W ½ 26-18N-7W, Boone County: The applicant is proposing to install up to ten wooden jetties beginning at the upstream limit of the eroded area. The jetties will be placed 70-150 feet apart. The description of each structure is the same as above. He is also proposing a 35-foot buffer area.

03-10986 Tom Schuele SW ¼ 23-18N-7W, Boone County: The applicant is proposing to install up to 12 wooden jetties beginning at the upstream limit of the eroded area. The jetties will be placed 70-80 feet apart. The description of each structure is the same as above. He is also proposing a 35-foot buffer area.

03-11003 Calvin Gloor NE ¼ 4-16N-6W, Nance County: The applicant is proposing to install up to 11 tree jetties. The structures will be spaced approximately 75 feet apart and will not extend more than 1/3 of the channel cross-section. The root wad and lower trunk will be buried 12-15 feet into the bank. A minimum 35-foot buffer area of grasses and shrubs will be installed along the protected stream bank.

03-11095 Ted Tomlinson SE ¼ 26-18N-7W, Boone County: The applicant is proposing to install up to 8 tree jetties. The structures will be spaced approximately 35-50 feet apart. The root wad and lower trunk will be buried 12-15 feet into the stream bank. A minimum 35-foot buffer area of grasses and shrubs will be installed along the protected stream bank.

PROJECT PURPOSE: The purpose of the project is to protect land and structures from erosion.

SPECIAL AQUATIC SITES: No special aquatic sites will be impacted by the projects.

CULTURAL RESOURCES: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the US Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision whether to issue the Corps' permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect

the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against their reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and Local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the **Kearney Regulatory Office 1430 Central Avenue Kearney, NE 68847-6856 or send an e-mail to barbara.j.friskopp@usace.army.mil**. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commentors, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in the subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: For additional information, please call Mrs. Barb Friskopp at (308) 234-1403.